



ARNOLD & PORTER

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May 27, 2003

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

MAY 30 2003

OFFICE OF PETITIONS

Re: U.S. Application No. 09/669,817
Filed: September 26, 2000
Title: Nucleic Acid Molecules and Other Molecules Associated
with Plants
Applicants: Joseph R. BYRUM *et al.*
Atty. Docket: 38-21(51469)B

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Request for Withdrawal of Holding of Abandonment - No Abandonment in Fact (or in the alternative, Petition to Revive Unintentionally Abandoned Application) (in duplicate);
2. a Statement Under 37 C.F.R. § 1.137(b)(3);
3. Exhibit A – Copy of Request for Withdrawal of Holding of Abandonment – No Abandonment in Fact (or in the alternative, Petition to Revive Unintentionally Abandoned Application) filed October 9, 2002;
4. Exhibit B – Copy of a transmittal letter to the U.S. Patent and Trademark Office filed on October 9, 2002;
5. Exhibit C – Copy of receipt postcard for papers contained in Exhibits A and B, date-stamped as received by the U.S. Patent and Trademark Office on October 9, 2002;
6. Exhibit D – Copy of Response to Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure filed February 15, 2001 (with Certificate of Mailing dated February 15,

2001), including copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure (with Certificate of Mailing dated February 15, 2001), copy of Transmittal of Non-Provisional Patent Application filed on September 26, 2000 (with Certificate of Mailing dated February 15, 2001), copy of Petition to Suspend Sequence Rules filed September 26, 2000 (with Certificate of Mailing dated February 15, 2001), and Statement Regarding Sequence Submission filed February 15, 2001 (with Certificate of Mailing dated February 15, 2001);

7. Exhibit E – Copy of receipt postcard for papers contained in Exhibit D, date-stamped as received by the U.S. Patent and Trademark Office on February 20, 2001;
8. Exhibit F – Copy of transmittal letter (filed December 7, 2001); copy of Decision on Petition (mailed October 9, 2001); copy of Preliminary Amendment and Response to Corrected Decision on Petition Filed January 8, 2001 (filed December 7, 2001); and Statement Regarding Sequence Submission (filed December 7, 2001);
9. Exhibit G – Copy of receipt postcard for papers containing in Exhibit F date-stamped as received by the U.S. Patent and Trademark Office on December 7, 2001;
10. Exhibit H – Copy of Notice of Abandonment under 37 CFR 1.53(f) or (g); and
11. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

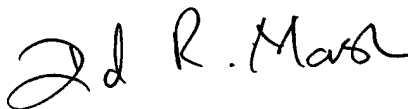
In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 16517.001/51469B.

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Additionally, should the U.S. Patent and Trademark Office require the petition fee under 37 C.F.R. § 1.17(m) for filing a Petition to Revive an Unintentionally Abandoned Application, then the Commissioner is authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 16517.001/51469B. A duplicate copy of this letter is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D R. Marsh". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

David R. Marsh (Reg. Attorney No. 41,408)
June E. Cohan (Reg. Attorney No. 43,741)
Holly Logue Prutz (Reg. Attorney No.

Enclosures